IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 10825 of 2005

Between:

T. Lenin Reddy, S/o Bharath Kumar Reddy,
R/o Near State Bank of India, Sattenapalli, Guntur District - 522 403.

..... PETITIONER

AND

1 The Superintending Engineer (Assessments), A.P. Southern Power Distribution Company Ltd, Plot No.1, II Floor, AIR By -pass Road, M.R. Palli Circle, Tirupati - 517 502, Chittoor District.
2 The Divisional Engineer (Assessments), A.P. Southern Power Distribution Company Ltd, PWD Grounds, Vijayawada-520 002, Krishna District.
3 The Assistant Divisional Engineer (Operations), A.P. Southern Power Distribution Company Ltd, Sattenapalli, Guntur District.
4 The Assistant Accounts Officer/ERO, A.P. Southern Power Distribution Company Ltd, Sattenapalli, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction, more particularly one in the nature of Writ of Mandamus declaring the proceedings No. SE/A/TPT/FAO/D/NRT/26(A)/11-04/GNT/D.No. 981/04, dated 20-12-2004, of the 1st Respondent is illegal, arbitrary, unconstitutional and against to the principles of natural justice and to pass such other and further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.B.CHINNAPA REDDY

Counsel for the Respondent Nos.1 to 4: MR. V. AJAY KUMAR

The Court, at the stage of admission, made the following:

Oral order:

The petitioner was the owner of a premises in Sattenapalli, Guntur district, who was granted a power connection bearing S.C.No.12066 in Category-I i.e., residential purpose. On the ground that the premises and the energy were being used for a commercial purpose i.e., for running the Spurthi High School, after a due process, proceedings were issued by the 2nd respondent dated 23-06-2004 determining the liability of the petitioner at Rs. 7,397-00 for utilization of a residential energy connection for commercial purpose. Aggrieved by the said order, the petitioner preferred an appeal to the 1st respondent, which was rejected by the order dated 20-12-2004 confirming the conclusion that the premises was used for the purpose of the Spurthi High School and that the energy was also used for the said purpose, which was clearly a commercial use. Nothing is either pleaded, urged or demonstrated before this court by the petitioner to justify a conclusion that the concurring findings on fact of the 2nd and 1st respondents, in the primary and appellate orders are vitiated by perversity or are based on no evidence. In the circumstances, no case is made out for interference with the concurrent findings on fact. If the findings on fact are unassailable, the order of assessment and penalty cannot be assailed.

On the analysis above, there are no merits. The writ petition is dismissed at the stage of admission.

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GODA RAGHURAM, J

Dt. 06-06-2005

Pvks/*

To

1 The Superintending Engineer (Assessments), A.P. Southern Power Distribution Company Ltd, Plot No.1, II Floor, AIR By -pass Road, M.R. Palli Circle, Tirupati - 517 502, Chittoor District.
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